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Remarks/Arguments:

Reconsideration of the application as amended is requested.

Applicants request a two month extension of time to respond to the outstanding Office action, and a separate petition to this effect is enclosed.

The Examiner's additional remarks have been received and carefully considered. Pending claims 6-26, 29, 35-39 and 50-64 inclusive have been cancelled without prejudice, and new claims 65-99 have been added. Applicants note with appreciation the Examiner's comment that claims 30-34 remain allowed, such that the same are deemed in condition for immediate allowance.

New claim 65 recites a post and beam furniture system for partitioning open office space, comprising a plurality of overhead beams, each having opposite ends, as well as a plurality of vertical posts, each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of the overhead beams to support the beams at a predetermined elevation above average user height. At least one of the claimed posts has an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Furthermore, at least one of the claimed posts has a Y-shaped plan configuration defining three regularly spaced apart,

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outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Finally, the post and beam furniture system set forth in new claim 65 includes a plurality of beam-to-post connectors attached to the opposite ends of the beams, and detachably retained in the slots of aligned pairs of the flanges on the posts to support the beams on the posts at the predetermined elevation.

The Examiner rejected prior claim 50, as well as prior claims 51-54, under 35 U.S.C. § 102(b) as being anticipated by the Jones Patent 3,513,606. More specifically, the Examiner takes the position that the Jones reference discloses a furniture system including “an associated plurality of overhead beams (36)”, as well as,

“at least one X-shaped post (2) having four outwardly extending and mutually perpendicular flanges (colored red) having an end face (colored blue) including a single vertical slot (colored yellow) extending centrally therealong.”

Applicants believe that the Examiner’s characterization of the Jones reference is not well taken, and that the Jones reference does not teach or in any way suggest the post and beam furniture system set forth in new claim 65.

The Jones Patent 3,513,606 discloses a structural framework and connector joint therefor, which includes a post assembly 1, a horizontal frame member 36, and junction boxes 4, 5 interconnecting the same. As set forth at column 3, lines 37-40, of the Jones reference,

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“The post assembly 1 is made up of an elongated frame member 2 which is substantially square in cross-section [sic] and which has a longitudinal channel 3 in each of its four sides.” (Emphasis added.)

The frame member 2 of Jones has an upper junction box 4 attached to its upper end, and a similar lower junction box 5 attached to its lower end. In the embodiment shown in Fig. 1 of the Jones patent, the upper junction box 4 and lower junction box 5 are fastened to the ends of frame member 2 by bolts 6, which are threaded into centrally located threaded holes in the end of the frame member 2. As set forth at column 4, lines 67-70, the horizontal frame member 36 has,

“a substantially square cross-section [sic] with longitudinal channels 37 in all four sides.” (Emphasis added.)

Each frame member 36 of Jones has a square center core 38 with a threaded hole 39 in each end thereof for receiving a bolt 40, which fastens frame member 36 to the side of a junction box through one of the keyholes 11. In the embodiment illustrated in Fig. 21 of the Jones reference, panels 42 are mounted between a pair of frame members 2, and have their opposite side edges received in channels 3. A spring loaded ceiling engaging post 21 is positioned to be joined to the top of junction box 4, and serves to hold the entire assembled unit in a vertical position between a floor and a ceiling.

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Initially, Applicants point out that the Jones patent is not directed to a post and beam type of furniture system, nor does it disclose the use of overhead beams to partition open office space. Rather, the Jones patent teaches a standard height type of partition panel arrangement, which has rectangular panels connected in a side-by-side relationship to form individual workstations. In the example illustrated in Fig. 27 of Jones, the panel system is freestanding, and in the example illustrated in Fig. 21, the panel system is ceiling supported. Furthermore, contrary to the Examiner's opinion, the Jones patent does not teach a post having an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Rather, the Jones post 2 has a square plan configuration, and does not incorporate outwardly extending flanges. While the Jones frame member 2 does have slots in the four sides of the square posts, it does not contemplate positioning single T-shaped slots at the end faces of each of four outwardly extending flanges. Similarly, the Jones patent does not teach a post having a Y-shaped plan configuration defined by three regularly spaced apart, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. The claimed X-shaped and Y-shaped posts are significant improvements over prior post and beam furniture systems, and other similar framework structures, insofar as they provide both superior aesthetics and improved function. More specifically, the claimed X-shaped and Y-shaped posts have a sleek, modern appearance, with clean design lines which

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are clearly preferable over the commercial and/or industrial look of slotted tube designs, such as that disclosed in the Jones patent, and the other references of record. Also, the separated or spaced apart nature of the flanges on the claimed X-shaped and Y-shaped posts permits positioning furniture accessories therebetween, such as the external wire manager shown in Fig. 32. The Jones reference clearly does not disclose or contemplate these features. Finally, the Jones patent does not disclose or suggest beam-to-post connectors that are detachably retained in the slot of aligned pairs of flanges on the post to support the beams at a predetermined elevation. In the Jones reference, the vertical frame members 2 are connected to the horizontal frame members 36 by junction boxes 4, 5. The junction boxes 4, 5 of Jones do not mount in the channels 3 of vertical frame members 2. Rather, upper junction box 4 is attached to the top of vertical frame member 2 by a bolt 6, and the opposite ends of horizontal frame members 37 attach to the side faces of upper junction box 4 by bolts 40. Consequently, Applicants assert that claim 65 is clearly patentable over the Jones reference.

The Examiner rejected prior claim 6 under 35 U.S.C. § 103 as unpatentable over the Goose Patent 3,592,493. More specifically, the Examiner takes the position that Goose discloses the use of a “furniture system” including a “plurality of overhead beams (101)” having a “single horizontal slot (108 and colored green)” formed on an uppermost and a lowermost surface thereof, wherein the “vertical posts (100) include at least one outwardly extending flange (105) having an end face 107 with a generally T-shaped vertical slot (108)”.

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The Examiner states that,

“GOOSE discloses the basic claimed furniture system except for explicitly detailing that his system is intended for use in an open office space. Although GOOSE does not explicitly disclose that his furniture system is intended for use in an open office space, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the manner in which a device is intended to be employed does not differentiate the claimed apparatus from a prior art device satisfying the claimed structural limitations.”

The Examiner rejected prior claims 20, 21, 23 and 25 for similar reasons. For those reasons set forth below, Applicants believe that the Examiner’s characterization of the Goose patent is not well taken, and that the subject reference does not teach or suggest the invention set forth in new claim 65.

The Goose Patent 3,592,493 discloses a construction system, and as described at column 2, lines 12-15, states that,

“Referring to FIG. 1, the connecting member shown has a base 10 of rectangular cross section, which is an easy sliding fit in a channel formation of an aluminum section (not shown in FIG. 1).” (Emphasis added.)

At its center, the Goose base 10 has a hole, which houses a set screw 12 for tightening against the base of the channel formation in the aluminum section. At each end, base 10 carries a pair

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of spaced parallel side limbs 14 having rectangular notches 16 where they join the base 10 for reception of the edges of outer webs of a section. Use of the connecting member is shown in Fig. 2 of Goose, wherein base 10 is shown inserted into an aluminum section 22, with a set screw 12 tightened against one of its inner webs 24, and the notches 16 receiving the outer webs, one of which is shown at 26. The side limbs 14 of Goose have been inserted into opposite channel formations of another aluminum section 28. Relevant places in inner webs 30 of section 28 may be notched or indented before assembly, as shown at 32. Access to set screw 12 is obtained through the slot 34. Another slot end section 22 is shown at 35. Fig. 3 of the Goose patent shows the formation of a joint between two lengths of aluminum section, shown for purposes of illustration as an upright length of 1 x 2 section, at 100, and a horizontal length of 1 x 2 section, at 101, the latter being disposed with its two-unit sides vertical and being prepared to make abutting contact with a one-unit side of the section 100.

The Goose patent is not directed to a post and beam furniture system of the type set forth in new claim 65. Furthermore, like the Jones patent discussed above, the Goose patent does not disclose or suggest a vertical post having an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Also, the Goose patent does not teach a vertical post having a Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges, each of which has an end face with a single T-shaped

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vertical slot extending centrally therealong. Rather, the aluminum sections disclosed in the Goose patent, such as 100, 101, have a rectangular configuration with two slots in each of the side faces, and one slot in each of the end faces thereof. Consequently, Applicants believe that the post and beam furniture system set forth in new claim 65 is clearly patentable over the Goose reference.

The Examiner rejected prior claims 22 and 26 under 35 U.S.C. § 103 as being unpatentable over the Goose patent in view of the Jones patent. More specifically, the Examiner states,

“GOOSE discloses the basic claimed device except for explicitly detailing that the system is configured to include a plurality of partition accessories. Although GOOSE is silent in this regard, JONES teaches that it is known in the art to provide a furniture system with a plurality partition (67,81) each having portion; respectively, [sic] hook portions (77,82) [sic] detachably retained within slots (not labeled) formed in the posts (2,64,65) [sic] and beams (4). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of GOOSE with the accessories of JONES in order to give the users with [sic] a wide variety of utensils needed to perform efficiently and properly.”

For those reasons already set forth in detail above, Applicants assert that the Goose patent does not disclose a post and beam furniture system that is in any way similar to that

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claimed in new claim 65. Furthermore, the Jones patent does not support the Examiner's statement that it is known in the art to provide a furniture system with a plurality of partition accessories. The adapter brackets 67 and 81 referenced by the Examiner are received in the side facing channel 3 of frame member 2, and serve to retain a shelf bracket 79 by the insertion of hooks into elongate slots 80 in adapter bracket 67. Applicants disagree that this disclosure supports the Examiner's position that Jones teaches the use of accessories to give the users a wide variety of utensils needed to perform efficiently and properly. Furthermore, Applicants assert that the hypothetical combination of the Goose and Jones patents asserted by the Examiner is not taught or suggested by the references themselves, and therefore constitutes an improper hindsight reconstruction of Applicants' own invention. Even if some combination of the Goose and Jones patents were appropriate, Applicants assert that the same still does not anticipate or render obvious the post and beam furniture system set forth in new claim 65.

The Examiner rejected prior claim 24 under 35 U.S.C. § 103 as unpatentable over the Goose patent in view of the Kelly Patent 5,864,997. More specifically, the Examiner states that,

"KELLY teaches that is [sic] known in the art to form posts (1) of a furniture system out of a variety of shapes. For instance figure 1 shows an X-shaped post wherein a central portion is square shaped having four outwardly extending portions and figure 2, shows a post member (1) having a hexagon shaped central portion with six outwardly

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extending portions. Although, KELLY does not show a Y-shaped post, he does detail the use of a variety of other shapes. Hence, it would have been obvious to one having ordinary skill in the art to form the central portion out of a triangular shape that would require three outwardly extending portions that would thereby form a Y-shaped member.”

For those reasons discussed in detail below, Applicants believe that the Kelly patent does not teach or suggest those features missing in the Jones and Goose patents, as discussed above.

The Kelly Patent 5,864,997 discloses a junction member 1 for a fence or a building, and includes an external form 2 that is polygonal in cross section, and has external faces 4 of a polygon. Adjacent corners 3 of the polygon define respective external adjacent corners of each external face. Each of the Kelly corners constitutes a respective tunnel 5, so that each corner is a respective corner box section. Junction member 1 of Kelly also includes an internal box section, each corner of which intersects the respective corner 7 of the internal box section.

The external face has one slot 8 between respective external adjacent corners, and the base of the slot is comprised by a respective face 9 of the internal form. The slot of Kelly is substantially T-shaped so that a suitable tenon may be inserted into the slot optionally, thereby permanently or releasably, to interlock with the junction member.

Like the other references discussed above, the Kelly patent is not directed to a post and beam furniture system of the type set forth in new claim 65. Furthermore, the Kelly patent

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does not teach a vertical post for such a post and beam furniture system that has an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Furthermore, the Kelly patent does not disclose a vertical post for a post and beam furniture system which has a Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. The junction member shown in Fig. 1 of the Kelly patent is square; the junction member shown in Fig. 2 of the Kelly patent has an octagonal plan configuration; and the junction member shown in Fig. 3 of the Kelly patent has a rectangular plan configuration. The Kelly patent does not teach or suggest the type of post-to-beam connector set forth in new claim 65. Applicants therefore assert that new claim 65 is clearly patentable over the Kelly reference, taken either singularly, or in combination with the Jones and Goose patents discussed above.

Obviousness under 35 U.S.C. § 103 cannot be established by combining the teachings of the prior art in a hypothetical manner to produce the claimed invention, absent some teaching, suggestion or incentive supporting the proposed combination. It is the burden of the Examiner to establish a prima facie case of obviousness when rejecting claims under 35 U.S.C. § 103. In the present case, Applicants assert that the Examiner cannot meet this burden of establishing a prima facie case of obviousness as to new claim 65, or any of the

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other pending claims. The references themselves do not suggest the hypothetical combination previously proffered by the Examiner. Rather, the Examiner appears to have taken bits and pieces of prior art devices and combined the same in a manner which could only have been accomplished with the benefit of Applicants' own invention, and made this hypothetical combination the basis for her rejection of the prior claims. Applicants assert that new claim 65 is clearly patentable over all of the references of record, and that any potential combination of the Kelly, Jones, Goose and other references of record is not well taken, since the references themselves do not suggest any such combination.

The Examiner rejected prior claim 55 under 35 U.S.C. § 103 as being unpatentable over the Jones patent in view of the Hofman Patent 5,836,121 or the Hellwig et al Patent 6,076,317. The Examiner takes the position that both Hofman and Hellwig et al teach that,

“it is known in the art to provide a furniture system with whiteboard panels (275) and (4); respectively. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the furniture system of JONES with whiteboard panels, as taught by both HOFMAN and HELLWIG et al. in order to once again give the system the ability to be diverse in allowing a user to have the ability to the [sic] walls his space without having to leave his space to display something or to write something.”

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For those reasons set forth in detail below, Applicants assert that neither the Hofman reference nor the Hellwig et al reference teach or suggest the unique post and beam furniture system set forth in new claim 65, such that the latter is patentable thereover.

The Hofman Patent 5,836,121, which is assigned to Steelcase Development Inc., assignee of the present application, discloses a two inch zone wall or FIN wall partition system 100, and four inch zone wall partition system 81. Both partition systems 80, 81 are formed by a plurality of generally rectangular panels which are interconnected in a side-by-side relationship to define individual workstations. Each of the panels includes an internal frame with cover panels 210 mounted on the exterior faces thereof. While the Hofman patent does teach a whiteboard cover panel 275 secured to frame 101, it is otherwise quite divorced from the post and beam furniture system set forth in new claim 65. The Hofman panel partition system does not contemplate a post and beam furniture system, and does not disclose the use of X-shaped and Y-shaped posts or beam-to-post connectors, as set forth in new claim 65.

The Hellwig et al Patent 6,076,317 discloses an office paneling system 2 comprising a series of connected office panels 4 of the type having an interior frame to which removable, decorative or functional elements 14 are secured. Like the Hofman patent discussed above, a series of office panels 4 are connected in an end-to-end manner forming a spline to which bridge arrangements 6 or other office panels can extend in a perpendicular or angled manner. While the Hellwig et al patent does indicate that partition 30 can have a whiteboard or tack

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board surface, the Hellwig et al furniture arrangement is otherwise quite different from the post and beam furniture system set forth in new claim 65. The Hellwig et al patent is not directed to a post and beam furniture system, nor does it contemplate X-shaped and Y-shaped posts or post-to-beam connectors, as set forth in new claim 65.

The remaining references of record have been carefully examined, and none teach or suggest those features noted above as lacking in the Jones, Goose, Kelly, Hofman and Hellwig et al patents.

Claim 66, which depends directly from claim 65, recites a post and beam furniture system, wherein at least one of the beam-to-post connectors includes an outwardly projecting stop which abuts an uppermost end of an adjacent one of the posts to locate and positively retain the associated beam at a predetermined elevation. This feature greatly facilitates installation of the post and beam furniture system, and is especially usefully in horizontally aligning the beams. This feature is not disclosed in any of the references of record.

Claim 67, which depends from claim 66, also includes at least one partition accessory configured to equip the partition system for user, and includes a mount portion thereof that is detachably retained in one of the slots of the posts. This feature permits personalization of the individual workstations, and provides the user with substantial flexibility and convenience. This combination of features is not taught by any of the references of record.

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Claim 68, which depends from claim 67, further recites a single T-shaped horizontal slot in both the uppermost and lowermost faces of the beams in which key portions of the post-to-beam connectors are detachably retained to securely, yet detachably, mount the beams on the posts. Claim 69, which depends from claim 68, further recites T-shaped hanger slots in the side faces of the beams which are shaped similar to the post and beam slots, such that the mount portion of the accessory can be retained in any of the slots. These features of dependent claims 68 and 69 are not disclosed in any of the art of record.

Claims 70-79 depend from claim 69, and add additional features which are also not contained in the prior art, and further distinguish Applicants' claimed post and beam furniture system therefrom.

New claim 80 recites a post and beam furniture system for partitioning open office space, comprising a plurality of horizontal beams, each having opposite ends, as well as a plurality of vertical posts, each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of the beams to support the beams at a predetermined elevation. New claim 80 further recites that at least one of the posts has an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. New claim 80 also recites at least one of

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the posts has a Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. Finally, new claim 80 also recites a plurality of beam-to-post connectors attached to the opposite ends of the beams, and detachably retained in the slot of aligned pairs of the flanges on the posts to support the beams on the posts at a predetermined elevation, as well as a plurality of partition accessories to equip the furniture system, each configured differently to customize the furniture system for various users, and having a mount portion thereof detachably retained in the slot of one of the posts.

As discussed in detail above, none of the references of record teach or suggest a post and beam furniture system having X-shaped and Y-shaped vertical posts, as claimed. Furthermore, none of the cited prior art discloses a plurality of partition accessories to equip the furniture system, each configured differently to customize the furniture system for various users, and having a mount portion thereof detachably retained in the slot of one of the posts. Applicants therefore assert that claim 80, along with claims 81-89 which depend therefrom, are patentable over the art of record.

New claim 90 recites a post and beam furniture system for partitioning open office space, comprising at least one horizontal beam having opposite ends, and at least two vertical posts, each having a lower end thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and

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an upper portion thereof operably connected with an associated one of the opposite ends of the overhead beam to support the beam at a predetermined elevation. Claim 90 further specifies that the posts each have an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot extending centrally therealong. New claim 90 also recites at least two beam-to-post connectors attached to the opposite ends of the beams, and detachably retained in the slot of an aligned pair of the flanges on the posts to support the beam on the post at the predetermined elevation. As discussed above, none of the references of record teach or suggest a post and beam furniture system having an X-shaped post as claimed, or the claimed post-to-beam connectors. Consequently, Applicants believe that new claim 90, along with new claims 91-94 which depend therefrom, are patentable over the art of record.

New claim 95 recites a post and beam furniture system for partitioning open office space, comprising at least one horizontal beam having opposite ends, and at least two vertical posts, each having a lower end thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with an associated one of the opposite ends of the overhead beam to support the beam at a predetermined elevation. New claim 95 further recites that the posts each have a Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges, each of which has an end face with a single T-shaped vertical slot

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extending centrally therealong. Finally, new claim 95 also recites at least two post and beam connectors attached to the opposite ends of the beam, and detachably retained in the slot of an aligned pair of the flanges on the posts to support the beam on the post at the predetermined elevation. As discussed above, none of the references of record teach a post and beam furniture system with a post having a Y-shaped plan configuration as claimed, or the claimed post-to-beam connectors detachably retained in the slot of an aligned pair of flanges on the posts. Consequently, Applicants believe that new claim 95, along with new claims 96-99 which depend therefrom, are patentable over the art of record.

Applicants submit that the new claims presented therewith are sufficiently definite under 35 U.S.C. § 112, so as to reasonably apprise those skilled in the art as to their scope. Applicants further submit that the references of record do not teach or in any way suggest the unique post and beam furniture system recited in the new claims. The hypothetical combination of references upon which the Examiner relied in her rejection of the prior claims is simply not suggested or contemplated by the references themselves, and therefore constitutes an improper hindsight reconstruction of Applicants' own invention. It is therefore respectfully submitted that new claims 65-99 should be allowed, along with allowed claims 30-34, since the

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cited references, taken singularly or in any combination, do not teach the post and beam furniture system set forth therein. A notice to this effect is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

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Enclosures